



PTO/SB/21 (02-04)

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| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/657,907 | |
| | Filing Date | September 9, 2003 | |
| | First Named Inventor | Mark A. Reiley | |
| | Art Unit | 3738 | |
| | Examiner Name | David J. Isabella | |
| Total Number of Pages in This Submission | | Attorney Docket Number | 29914-701.405 |

ENCLOSURES (Check all that apply)

| | | |
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| <input type="checkbox"/> Certified Copy of Priority Document(s) | Remarks | 3. Copies of references #108-144 |
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| | |
|-------------------------|--|
| Firm or Individual name | Cecily Anne O'Regan, Reg. No. 37,448, WILSON SONSINI GOODRICH & ROSATI |
| Signature | |
| Date | December 16, 2005 |

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| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
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Attorney Docket No. 29914-701.405
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|-----------------------------|
| Inventor: Mark A. Reiley |) | Group Art Unit: 3738 |
| Serial Number: 10/657,907 |) | Examiner: David J. Isabella |
| Filing Date: September 9, 2003 |) | CONFIRMATION NO: 5636 |
| Title: FACET ARTHROPLASTY DEVICES AND METHODS |) | |

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37 CFR §1.8

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97

Sir:

Applicant hereby submits an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is being submitted, if required, pursuant to 37 C.F.R. §§1.97-1.98, as indicated below.

Applicant respectfully requests that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicant further requests that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

☒ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

- ☐ (1) It is being filed within 3 months of the application filing date of a national application and is other than a continued prosecution application under §1.53(d);
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage as set forth in §1.491 in an international application;
-- OR --
- ☒ (3) It is being filed before the mailing date of the first Office Action on the merits;
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

☐ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

- ☐ a certification as specified in §1.97(e) provided concurrently herewith;
-- OR --
- ☐ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

- A. a certification as specified in §1.97(e); and
- B. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

☐ 37 CFR §1.97(e). A certification signed by an Attorney of Record is provided herewith as required under 37 CFR §§1.97(b) and (c).

☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

- ☐ Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith.
-- OR --
- ☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08A are NOT enclosed.
-- AND/OR --
- ☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Forms PTO/SB/08A-B are enclosed in accordance with 37 CFR §1.98(a)(2).
-- AND/OR --
- ☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

- ☒ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.
- ☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.
- ☒ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation of the non-English language reference(s) is provided herewith.

WO 01/28442 A1, WO 02/071960 A1 and WO 03/041618 A2 were published in French. The English language abstract and the drawings are sufficient to convey the scope of their disclosure.


Should the Examiner believe that a complete translation of any of the above mentioned publications is necessary to understand their disclosure, Applicant(s) will endeavor to provide such translations at the Examiner's request.

- ☐ Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR §1.97(e)(1).
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 29914-701.405).

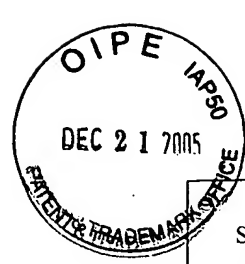
Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: December 16, 2005

By: 
Cecily Anne O'Regan, Reg. No. 37,448

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Palo Alto, CA 94304-1050
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Customer No. 021971



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| | | | | Examiner Name | David J. Isabella |
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| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|-----------------------|--|-----------------------------|---|---|
| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
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|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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|--------------------|-----------------------|--|--------------------------------|--|---|
| | | Number-Kind Code ² (if known) | | | |
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| | | | | Application Number | 10/657,907 |
| | | | | Filing Date | September 9, 2003 |
| | | | | First Named Inventor | Mark A. Reiley |
| | | | | Art Unit | 3738 |
| | | | | Examiner Name | David J. Isabella |
| Sheet | 6 | of | 7 | Attorney Docket Number | 29914-701.405 |

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